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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,882	07/02/2003	Anthony C. Sweeney	ENW 324	6301
23581	7590	10/08/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			GLENN, KIMBERLY E	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,882	SWEENEY ET AL.	
	Examiner Kimberly E Glenn	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2-4 and 7-16 is/are allowed.
- 6) Claim(s) 1,5 and 6 is/are rejected.
- 7) Claim(s) 17-20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

<ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. 	<ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____.
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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Spence US patent 4,182,996. (Of record)

Spence disclose in figure 3 a RF power splitter comprising a body or housing (16) having a first and second ends, a first conductor (14) defining a transmission line extending between the first and second ends; N second conductors (12 and 30) defining a second transmission lines extending between the first and second ends, and conductors (22 and 34) which provide electrical connection between the first conductor (14) and the each of the second conductors (12 and 30). Spence further discloses that the housing 16 is comprised of an electrically conductive tube. The inner conductor 12 and 14 must be electrically insulated from each other and from the housing 16 (column 5; lines 49-50) (Figures 3 and 6, column 7, line 49 through column 12, line 64 and claim 3)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spence US patent 4,182,996 in view of Vaddiparty US Patent 4,647,879. (Both of record)

See the above 35 USC 102 rejection of claim 1 for details regarding Spence reference.

Spence is shown to teach all the limitations of the claim with the exception of the a plate mounted on the second end the body, and a plurality of resistive paths mounted on the plate, the resistive paths interconnecting the pairs of the second ends of the second transmission lines.

Vaddiparty discloses in figure 1, divider 12 having a board 30 mounted on one end. Isolation resistors 33 are disposed on the board 30. The isolation resistors connect one end of one radial output to one end of another radial output. (See figures 1-3 and column 2, line 33 through column 3, line 34)

One of ordinary skill in the art, at the time of the invention would have found to obvious to provide the divider of Spence with the board and resistors as taught by Vaddiparty. The motivation for this modification would have been to maintain the phase at each output. (Column 3, lines 12-19)

Response to Arguments

Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive. Spence states in column 5 lines 49-50 that the inner conductor 12 and 14 must be electrically insulated from each other and from the housing 16.

Allowable Subject Matter

Claims 2-4 and 7-16 are allowed.

Claims 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With regards to claim 2, the prior art of record does not disclose or fairly teach the length of the first transmission line being equal to the combined length the second transmission line and the associated conductor. With regards to claim 3, the prior art of record does not disclose the first transmission line being longer than each of the N second transmission lines. With regards to claim 4, the prior art of record does not disclose or fairly teach the first end of the first transmission line being coplanar with a first end of each of the second transmission lines, and a second end of the first transmission line extends beyond a second end of each of the second transmissions lines. With regards to claims 7-13, the prior art of records does not disclose or fairly teach the first signal path and each of the second signal paths being orthogonal to the plane of the conductive pattern. With regards to claims 14-16, the prior art of record does not disclose or fairly teach a N second transmission lines extending between the first and second ends of the body and spaced symmetrically about the first transmission line.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Mallavarpu et al US Patent 5,142,253, McKay US Patent 6,522,218 and D' Auria et al US Patent 4, 158,478 and Aosaki JP 2002-100908.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly E Glenn whose telephone number is (571)-272-1761. The examiner can normally be reached on Monday-Friday 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571)-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

Kimberly E Glenn
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keg